

MEMORANDUM

NSS, State, OSD, JCS
reviews completed

NATIONAL SECURITY COUNCIL

ACTION

OBE

April 12, 1973

~~SECRET/SENSITIVE (XGDS)~~(with ~~TOP SECRET~~ attachment)

MEMORANDUM FOR:

DR. KISSINGER

FROM:

HAROLD H. SAUNDERS *file*

SUBJECT:

US Reconnaissance Flights Over
Mediterranean--Henry Tasca's Concerns
re Greek Involvement

Bill Porter's memo on further postponing our reconnaissance flight along the Libyan coast mentioned briefly a problem in Greece. This is to give you more background on that aspect of the problem.

Following the Libyan attack on the last flight, Ambassador Tasca described two issues: (1) persuading the Greeks that the flights serve NATO and therefore Greek interests; and (2) whether to give 48 hours' notice of the next flight since our agreement with Greece requires such notice for any flight that might draw public attention. Tasca sent you a back-channel message calling attention to his difference of views with the State/Defense positions. Tasca's cable and the cables he refers to are at Tab B, but you do not need to read all these.

Background

Use of Greek facilities for launching and recovery of our aircraft involved in reconnaissance is governed by a 1966 agreement concluded with the previous Greek Government but still recognized today. The agreement provides blanket clearance for these flights, and they are launched routinely. Among the exceptions requiring advance notice to the Greek Government are flights liable to attract special attention. Our flight which was the subject of the recent incident was routine and, since we had no expectation of the Libyan attack, we were within the terms of our agreement. Now that the attack has occurred, however, Tasca feels that the next flight may attract attention and the Greeks should be notified.

The State/Defense position is that the recent incident raises no unusual questions regarding our performance under the 1966 agreement. They prepared a statement of the rationale for these flights for Tasca's use with the Greeks. They argue that the fact that the particular flight

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involving the Libyans attracted special attention was the result of outside intervention due to a breach of international law and thus an aberration, not a characteristic of these flights. Their position has been that there was no violation of the 1966 agreement, and Tasca should not talk with the Greeks either specifically about their applying any advance notice requirement on future such flights or generally about reviewing the 1966 agreement. State also feels that the Greeks have generally accepted our explanations of the flights and are quiet for the moment.

Tasca, on the other hand, has argued strongly that the recent incident could spark Greek reassessment of the desirability of being involved in our reconnaissance program and thus ultimately jeopardize our long-range interests in continuing this program. He is extremely reluctant to see these particular flights near Libya reinstituted. He feels the Greeks would have cause to reconsider because: (1) Greece was dragged into our Arab/Israeli problem, which they have assiduously avoided; (2) Greece's national sovereignty stood to be embarrassed, as the Greeks were not fully informed about the flight; (3) Greece's overall national interests might suffer because the US is not concerned when it has broader interests in mind. He feels that his instructions not to let the Greeks think about requiring advance notice or generally seek review of the agreement are not responsive to his interest in a serious review of the consequences for continuing these flights without sensitivity to Greek needs. He does not care about legal arguments.

The Options

As matters now stand, there are three choices:

1. We could refrain from notifying the Greeks on the ground that this flight is not expected to attract attention. State and the Pentagon have favored this approach so far to avoid getting entangled in a procedure of providing advanced notice for each such flight in the future. The disadvantage would be that the Greeks could claim we violated our treaty obligations if there is another incident.
2. We could give formal advanced notice through military channels. This would have the advantage of meeting our obligations squarely but it could restrict our flexibility on future flights. Tasca has favored this approach.

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3. We could instruct Tasca to approach General Angelis or Prime Minister Papadopoulos directly to explain our feeling on the necessity to establish the international right to fly through international airspace. He could explain in general terms what we planned to do and the Greek interest, saying he wanted to be sure they had an explanation directly from him. This would be an unusual enough procedure to avoid getting trapped in the mechanics of regular notification while still keeping faith with the Greeks. We favor this, but State is afraid Papadopoulos might say no, and that would create a new problem for us.

Thus the issue is whether to be completely open with the Greeks and risk a negative reply in advance or to go ahead and fly, taking our chances that these will not be another incident which would involve the Greeks. If there is, it might be touch-and-go whether our right to fly would be revoked. If we were to notify the Greeks, we would have to override State and Defense. The alternative would be a back-channel along the lines of the draft at Tab A.

RECOMMENDATIONS:

1. That we encourage a high-level approach to the Greeks in lieu of a formal notification.

Approve _____

Favor no notice _____

2. That you send the short back-channel message at Tab A to Tasca.

Approve _____

Disapprove _____

Concurrence: Rob Roy Ratliff
Richard T. Kennedy

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TOP SECRET (XGDS)

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TO: Amembassy ATHENS
AMBASSADOR TASCA/Exclusively Eyes Only

FROM: WHITE HOUSE
HENRY A. KISSINGER

1. I have reviewed the problem raised by the reconnaissance flights from Athens and appreciate your concerns.
2. In addition to those concerns, the other important point that must be met is the need to maintain right of transit through international airspace. Greece as important Mediterranean nation has as great an interest in this principle in this area as any of our NATO allies, and I hope you can explain this to the few key people there at an appropriate time who need to understand this.

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HHSaunders:tmt 4/12/78